

Message

From: Hurlid, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]
Sent: 9/6/2019 5:52:08 PM
To: METZ Eric [eric.metz@state.or.us]; Vallette, Yvonne [Vallette.Yvonne@epa.gov]
CC: Kasperek, Lauren [kasperek.lauren@epa.gov]; Wesson, Dolores [Wesson.Dolores@epa.gov]
Subject: RE: Draft Oregon Partial 404 Assumption Schedule

Hi Eric,

So, I've repasted your timeline here with EPA update on proposal and two questions.

*April is the official publication date for proposal.

* I see 4 – 5 months for EPA review and approval of OR's request. Statutorily we have 120 days so this is consistent if you allow us to have Thanksgiving and the other major holidays off. 😊

* If EPA approves OR request in February, and the state begins issuing permits in September, who is issuing permits in the interim? This is a 7-8 month gap.

I'm copying Lauren and Dolores on this as they are the HQ POCs for OR's assumption. While I will always be available to answer questions, please include them on emails. Thanks!

I hope this helps and have a great weekend. - Kathy

- ⇒ **November 2019** DSL report due to Oregon Legislature
- ⇒ **April 2020** EPA publishes draft 404(g) rule proposal in Federal Register
- ⇒ **March 2021** EPA adopts revised 404(g) rule allowing partial 404 assumption
- ⇒ **June/July 2021** Legislature approves statutory language and DSL budget
- ⇒ **September 2021** State formally submits partial 404 assumption Request to EPA
- ⇒ **February 2022** EPA approves state's request
- ⇒ **September 2022** DSL begins issuing State 404 Permits

From: METZ Eric <eric.metz@state.or.us>
Sent: Friday, September 06, 2019 12:11 PM
To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Vallette, Yvonne <Vallette.Yvonne@epa.gov>
Subject: Draft Oregon Partial 404 Assumption Schedule

Kathy and Yvonne,

Based on what I'm hearing from EPA, when combined with Oregon legislative timelines, this is the schedule I have developed. Before our meeting on Monday can I please get some feedback? My estimates show that Oregon will be issuing State 404 permits 3-years from today. From your perspective, is that in the ballpark? I was hoping for 2-years but you add up all the time, 24-months doesn't pencil out.

We won't be able to use the 2020 session to make statutory changes so we will need to use the 2021 session to make the changes. Your draft rule does not come out until March 2020 and my assumption is that we will not be able to submit our application until the final rule is adopted. The reason is that Oregon will not know the final terms and conditions until the final rule is published with EPA's response to comments. My September 2021 submittal date is because we won't know the

results of the 2021 session (Governor has until August 2021 to sign bills) and our budget process will not have concluded until June/July 2021. Also, as you can see, I'm allowing six months for EPA to review and approve our application.

Estimated timeline (November 2019-September 2022) is subject to change

- ⇒ **November 2019** DSL report due to Oregon Legislature
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